

GAHC010184312021



THE GAUhati HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Tr.P.(C)./60/2021

SMTI NAMITA GOGOI
D/O SRI DEBA KUMAR GOGOI, W/O SRI HIMANGSHU KALITA, R/O
GIRIDHAR BHARALI PATH, LACHIT NAGAR, TOPLA BASTI, DIGBOI, P.O.
AND P.S.-DIGBOI, DIST-TINSUKIA, ASSAM, PIN-786171

VERSUS

HIMANGSHU KALITA
S/O LATE RAMESWAR KALITA, R/O WARD NO. 9, MANGALDAI TOWN, P.O.
AND P.S.-MANGALDAI, DIST-DARRANG, ASSAM, PIN-784125

Advocate for the Petitioner : MR. N HASAN

Advocate for the Respondent :

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

22.06.2023

Heard Mr. N. Hasan, the learned counsel for the petitioner. None appears on behalf of the respondent.

2. By this application under section 24 of the Code of Civil Procedure,

1908, the petitioner is seeking transfer of the matrimonial proceedings being T.S.(D) No.23/2021 from the Court of learned District Judge, Darrang, Mangaldai to the Court of the Additional District Judge, (FTC-1), Margherita on the ground that the petitioner is a housewife living with her 4 years old son in her parental house at Digboi and that she would have to travel a distance of 450 kms from her parental home at Digboi to participate in the proceedings at Mangaldai, Darrang which takes about 10-11 hours by road and it will be very difficult on the part of the petitioner to participate in the said proceedings at Darrang, Mangaldai.

3. This Court on the basis of the said application had issued noticed on 10.11.2022 and stayed further proceedings in T.S.(D) No.23/2021 pending in the Court of the learned District Judge, Darrang, Mangaldai.

4. I have heard the learned counsel for the petitioner.

5. This Court specifically enquired with the learned counsel for the petitioner as to why the transfer is sought for to the Court of the Additional District Judge, (FTC-1), Margherita, that too when the petitioner's address as shown in the petition seeking divorce mentions the address of the petitioner at Guwahati. The learned counsel for the petitioner submitted that the petitioner's parents reside at Guwahati. The learned counsel for the petitioner submits that the petitioner occasionally resides at Guwahati with her parents in the address as mentioned in the application seeking divorce and sometime at Digboi in the address mentioned in the Transfer Petition.

6. Taking into account the convenience of the parties, this Court is of the opinion that as the petitioner also resides at Guwahati in her parental

house and the Family Court at Kamrup, Guwahati would be nearer to the respondent than to go to Margherita, this Court is of the opinion that it would be in the interest of justice for transferring the said divorce proceedings being T.S.(D) No.23/2021 from the Court of the District Judge, Darrang, Mangaldai to the Court of the Principal Judge, Family Court at Kamrup, Guwahati.

7. Accordingly the proceedings in T.S.(D) No.23/2021 is transferred from the Court of the Court of learned District Judge, Darrang, Mangaldai to the Court of the Principal Judge, Family Court at Kamrup, Guwahati.

8. The Court of the District Judge, Darrang, Mangaldai is directed to forthwith transfer the records to the Court of Principal Judge, Family Court at Kamrup, Guwahati.

9. With the above observations, the instant petition stands allowed and disposed of.

10. The parties shall appear before the Principal Judge, Family Court at Kamrup, Guwahati on **07.08.2023** and on which date the petitioner shall file her written statement without fail.

11. Registry is directed to intimate both the courts below about this order.

12. The interim order passed earlier stands vacated.

JUDGE